IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3653 OF 2004

Smt.Sindhu Uttamrao Hole ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mrs.Anita A.Agarwal for Applicant.

Mr.D.R.More, A.P.P. for Respondent.

.....

**CORAM: A.M.KHANWILKAR, J.**

**SEPTEMBER 6, 2004.**

**P.C.**

1. This application is for release of the applicant on anticipatory bail in relation to offences registered against her under Sections 384, 387, 447, 504, 506 and 34 of the Indian Penal Code and Section 3(25) of the Arms Act, 1959.

2. The argument of the applicant is that the applicant had entered into agreement with the complainant in respect of agricultural land in the

year 1998, pursuant to which, the applicant has been put in possession of the suit land upon payment of consideration which has been duly acknowledged. The argument is that the applicant has been falsely implicated, taking advantage of the recent involvement of her husband in offence punishable under MOCA.

3. Going through the records and considering the rival submissions, I find substance in the argument advanced by the A.P.P. that the complainant had good reason not to register the complaint since 1998 and this fact has been stated in the FIR as lodged. Besides, it is seen that the documents which are pressed into service on behalf of the applicant are executed on the same day of 99 years lease as well as agreement to sell in respect of the same land. The receipt acknowledged by the complainant indicates that amount had been paid in cash. The complainant has made serious grievances in the FIR as to the manner in which the documents have been executed.

4. Taking overall view of the matter, at this

stage, it is not possible to accept the case of the applicant for release on anticipatory bail. To overcome this position, learned Counsel for the applicant submits that the applicant is female and no purpose would be served by insisting for her police custody. The matter is still at investigation stage, coupled with the fact that it has now transpired that similar complaint has been received against the applicant and her husband and brother-in-law in respect of some other land being C.R.No.149/04 in the same Police Station.

5. Taking totality of the circumstances into account, this is not a fit case for release of the applicant on anticipatory bail. Dismissed.

A.M.KHANWILKAR, J.